

REMARKS

Applicant respectfully requests reconsideration and allowance of the pending claims in view of the following remarks. Currently, claims 1-19 remain pending in the application, including independent claims 1 and 16. For example, independent claim 1 is directed to a dispenser for dispensing sheets. The dispenser comprises a dispenser container housing a stack of disposable sheets that are to be withdrawn one after another. The sheets are arranged such that, once a top sheet is withdrawn from the container, an underlying sheet is individually presented for subsequent use. The dispenser container includes a removable panel that, once removed, uncovers an opening for withdrawing the sheets. The removable panel is configured to be completely removed and separated from the dispenser container. The removable panel is attached to a top sheet in a stack of sheets, such that when the removable panel is removed and separated from the dispensing container, the top sheet is partially pulled through the opening of the dispensing container and detached from the removable panel.

In the Office Action, claims 1-3, 5-10, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,574,952 issued to Masui. Alternatively, claims 1-3, 5-10, and 12 were rejected under 35 U.S.C. § 103(a) in view of Masui in combination with U.S. Patent No. 3,868,052 to Rockefeller. The remaining claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Masui in view of either U.S. Patent No. 5,992,682 issued to Loppnow, et al., or U.S. Patent No. 4,231,491 issued to Pierson, et al., or U.S. Patent No. 4,138,034 issued to McCarthy.

Masui is directed to a box containing facial tissues having a tape attached to the under surface of an oval portion surrounded by a perforated line. See, Abstract. In accordance with a Masui, a tape or strings are attached to the under surface of the top sheet along a perforated line provided in the top sheet and the uppermost of the facial tissues are attached to the under surface of the portion surrounded by the perforated line. Col. 1, ll. 35-41.

Again, Applicant submits that Masui fails to teach or even suggest all of the limitations required by independent claims 1 or 16. Specifically, Masui fails to teach that

the removable panel is attached to the top sheet in the stack of sheets such that, when the removable panel is removed and separated from the dispensing container, the top sheet is partially pulled through the opening of the dispensing container.

The Office Action states that Masui meets the structural limitations of claim 1. However, the Office Action fails to recognize the differences in the attachment strength between the structure of claim 1 and Masui. The attachment strength between the top sheet and the removable panel of claim 1 dictates that the top sheet is partially pulled through the opening. Accordingly, the removable panel is attached to the top sheet in the stack of sheets such that, when the removable panel is removed and separated from the dispensing container, the top sheet is partially pulled through the opening of the dispensing container and detached from the removable panel.

Referring to the present application, the attachment device must bind to the second end of the sheet an amount necessary to pull the second end of the sheet through the opening but, yet be insufficient to be capable of pulling the entire sheet through the opening. In other words, an attachment device is chosen in accordance with the present invention that will attach to the sheet with an amount of force sufficient to pull a portion of the sheet through the opening but insufficient to overcome the force necessary to completely remove the first sheet from the container. Pg. 7, line 30, - pg. 8, line 7. No where does Masui disclose or suggest such an attachment strength.

To the contrary, Masui only discloses that when the end of the oval portion is raised, the uppermost facial tissue is pulled through the slot and out of the dispensing container. Also, Masui discloses that the "uppermost facial tissue can be easily drawn out because it is attached to the under surface of the oval piece to be removed from the top sheet." Col. 1, rows 48-50. The "top sheet" referred to here is the top sheet or wall (3) of the carton (1). See Col. 1, rows 13-16 and Col. 2, rows 14-19. Thus, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. § 102(b) is improper.

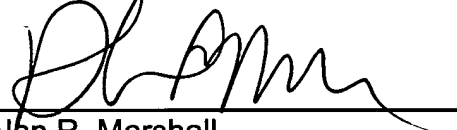
As discussed in the present application, the presently claimed dispenser facilitates the removal of the first sheet out of the dispensing container without wasting the first tissue. Applicants submit that the dispenser taught by Masui wastes the leading sheet because it is unusable since it is attached to the removable top sheet of the box.

As such, the presently claimed dispenser has distinct advantages over the dispenser disclosed by Masui.

In view of the above remarks, Applicant respectfully submits that the present application is in complete condition for allowance. Therefore, Applicant request reconsideration and allowance of all the pending claims. Should any issues remain after consideration of this Response, Examiner Bollinger is invited and encouraged to contact the undersigned at his convenience.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Alan R. Marshall', is written over a horizontal line.

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